

## ENROLLED ORIGINAL

## A RESOLUTION

15-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to prohibit the use of the Master Business License list other than by the District government for official use, to prohibit the District government from releasing Federal Employer Identification numbers and Social Security numbers of persons who apply for a Master Business License except under certain circumstances, and to implement an amnesty program until May 31, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Master Business Registration Delay Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Master Business License registration system was developed to assist the government in the protection of the public. It was not designed for the purposes of assisting commercial enterprises from sending unwanted commercial advertising to District of Columbia residents and businesses. Mailing addresses, e-mail addresses, and phone numbers contained in the Master Business License registration database should not be used for improper purposes. The District government should take reasonable steps to protect the Master Business License registration database from misuse; the Master Business License registration database should be used for legitimate public policy purposes. There is an immediate need to clarify that the Master Business License registration database should not be released in a mailing list or telephone list format. However, the database may be used by individuals seeking to obtain information for legitimate public policy purposes.

(b) A Federal Employer Identification number and Social Security number can be used to obtain sensitive information about a person for improper purposes, including criminal purposes. The District government should take reasonable steps to protect the privacy of a person's Federal Employer Identification number and Social Security number. There is a need to clarify that the Department of Consumer and Regulatory Affairs ("DCRA") should not release a person's Federal Employer Identification number or Social Security number except under certain circumstances.

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(c) The Council approved the Omnibus Regulatory Reform Act in 1998. Pursuant to the Omnibus Regulatory Reform Act, all businesses in the District of Columbia must obtain a Master Business License. DCRA began implementation of the Master Business License program during 2002. The Council has received numerous complaints from residents and business people about the government's implementation of the registration program. The Council started to consider amendments to the Omnibus Regulatory Reform Act and the Master Business License registration system in 2002 and that consideration has extended into 2003. Permanent legislation, Bill 15-0019, has been introduced in 2003 that is identical to the emergency and temporary legislation discussed herein. A public roundtable on a draft Committee Print of Bill 15-0019 has been held on March 26, 2003. In order to give DCRA more time to improve procedures and capacity to implement the program in a customer-friendly manner and to allow the Council sufficient time in which to complete its consideration of amendments to the law instituting this program, it is necessary to extend the deadline for registering until May 31, 2003.

(d) On December 17, 2002, the Council passed the Master Business Registration Delay Emergency Act of 2002 and its accompanying declaration of emergency. That emergency legislation was enacted as D.C. Act 14-595 on January 7, 2003. The emergency legislation will expire on April 7, 2003. Temporary legislation (D.C. Act 14-629) was also passed and is pending Congressional review with a projected law date of May 1, 2003. The permanent legislation, Bill 15-0019, remains under consideration in the Committee on Consumer and Regulatory Affairs, having had a public roundtable on March 26, 2003. Accordingly, it is necessary to close the gap that would otherwise be created by Congressional review due to the expiration of the emergency bill before the temporary law goes into effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Master Business Registration Delay Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-76

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to immediately establish a mandatory drug and alcohol testing program for District of Columbia government employees who provide direct services to children, to establish a criminal background checks program for the District of Columbia workforce, to establish uniform health screening requirements for all District of Columbia children, to establish an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families, and to establish a Postsecondary Education Assistance Trust Fund into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Child and Youth, Safety and Health Omnibus Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate need to establish additional statutory provisions that will serve as safeguards to the well-being of children in the District of Columbia.

(b) The Child and Youth, Safety and Health Omnibus Amendment Act of 2000 (D.C. Act 13-604) was adopted by the Council on December 19, 2000 and signed by the Mayor on February 9, 2001. However, D.C. Act 13-604 was not approved by the Financial Responsibility and Management Assistance Authority, and therefore, never enacted into law.

(c) The Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003, effective January 22, 2003 (D.C. Act 15-3; 50 DCR 1426), is expected to expire on April 22, 2003.

(d) The Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003, signed by the Mayor on February 24, 2003 (D.C. Act 15-20), is pending Congressional review, and is not projected to become law until May 1, 2003.

(e) This emergency legislation is necessary to prevent a gap in the legal authority.

(f) Among the programs that are needed are the establishment of mandatory drug and

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alcohol testing for District of Columbia employees who provide direct services to children; the establishment of a criminal background check program for the workforce, which includes volunteers of District of Columbia agencies that provide direct services to children and youth and employees of the Child Support Enforcement Division of the Office of Corporation Counsel; the establishment of uniform health screening requirements for all District of Columbia children and uniform health forms; the establishment of an Early Intervention Program in the District of Columbia to provide early intervention services for infants and toddlers from birth through 2 years of age and their families; and the establishment of a Postsecondary Education Assistance Trust Fund into which shall be deposited funds generated by a tax check-off on individual income tax returns to assist needy children with the cost of postsecondary education.

(g) Without the new statutory provisions required by the Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003, the strides the District of Columbia is making in protecting the health and safety of all District of Columbia children will be in jeopardy of being reversed.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-77

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 1, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to establish the Rehabilitation Services Program and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of vocational rehabilitation services.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Rehabilitation Services Program Establishment Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. The Council of the District of Columbia finds that:

(1) There exists an immediate crisis in the District of Columbia because of the failure to establish a rehabilitation services program and to authorize the Mayor to establish an economic needs test to be used in determining the ability of applicants for and recipients of vocational rehabilitation services to contribute to payment of the costs of vocational rehabilitation services.

(2) Currently, the Department of Human Services Rehabilitation Services Administration ("RSA") provides vocational rehabilitation services in accordance with the requirements of the Rehabilitation Act of 1973 ("Act"). RSA has used the Act's regulations and program instructions to implement services. Since a rehabilitation services program has not been established as a District of Columbia government entity, the RSA is unable to implement any of the optional provisions of the Act or to issue rules to implement discretionary provisions of the Act.

(3) In seeking to serve the needs of all District of Columbia residents who require vocational rehabilitation services, RSA has implemented an economic needs test, which is an optional provision of the Act. Recently, advocates who represent customers seeking vocational rehabilitation services have challenged RSA's authority to impose an economic needs test without legislative authority. These advocates believe that each client is entitled to all services and that services should not be limited to what is needed to prepare for, secure, and

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maintain employment. This interpretation of the Act has had a significant impact on RSA's budget. Under this interpretation, RSA will be unable to provide services to a large number of eligible individuals with disabilities.

(4) If vocational rehabilitation services cannot be provided to all eligible individuals who apply for services, RSA would be required by federal law to establish an order of priority for services, prioritizing individuals with the most severe disability before other individuals with severe disabilities and non-severe disabilities can receive services. With this order of priority, RSA would be forced to deny vocational rehabilitation services to thousands of individuals with disabilities. An order of priority would have a significant impact on services to multicultural populations whose presenting disability is frequently not categorized as severe. It would also have a significant impact on services to the following populations: individuals with drug- and alcohol-related disabilities; individuals with learning disabilities; individuals with mild mental illness; and individuals with various other disabilities.

(5) If the Rehabilitation Services Program is not established as a District of Columbia government entity and the Mayor is not authorized to establish an economic needs test to be used in determining the ability of applicants and recipients to contribute to payment of the costs of vocational rehabilitation services, the District of Columbia would be forced to establish priorities for its rehabilitation services program, which would jeopardize the health, safety, and welfare of many individuals with disabilities in the District of Columbia.

(6) The Rehabilitation Services Program Establishment Second Emergency Act of 2002, effective January 7, 2003 (D.C. Act 14-596; 50 DCR 650), is scheduled to expire on April 1, 2003.

(7) The Rehabilitation Services Program Establishment Temporary Act of 2003, signed by the Mayor on January 22, 2003 (D.C. Act 14-625; 50 DCR 1105), is not projected to become law until April 2, 2003.

(8) This legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Rehabilitation Services Program Establishment Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

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## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to exempt from taxation certain real property of the Crispus Attucks Development Corporation, and to provide real property tax relief for the property.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) The Crispus Attucks Development Corporation ("CADC"), formerly known as NUV-1, Inc., owns Crispus Attucks Park.

(b) The property is located in lot 0046 in square 3117 in the interior of the block bounded by U, V, First and North Capitol Streets, N.W., and is bordered by rowhouses on all four sides, with limited access by several narrow alley openings at each end of the rowhouses on U and V Streets.

(c) The property was deeded to NUV-1, Inc., in 1977 by the Chesapeake and Potomac Telephone Company and was used as a recreation center, funded by the District Department of Parks and Recreation until 1987, providing programs for youth and children.

(d) After the transfer, the property was exempt from real property taxes for many years, but at some point the Board of CADC failed to file the documents required to maintain the property's tax exempt status.

(e) New leadership on a reorganized Board of Directors at CADC has mobilized to restore and maintain the site for community use. It has been landscaped with trees and grass and is used by the community and its children.

(f) The District of Columbia government continued to send tax bills and delinquency notices to CADC.

(g) To avoid the sale of the park for real property taxes, interest, penalties, fees, and other related assessed charges, the property had to be made tax-exempt once again and the existing tax liability forgiven.

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(h) In December 2002, the Council enacted the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Emergency Act of 2002, effective January 7, 2003 (D.C. Act 14-597; 50 DCR 654) ("Emergency Act"), which remedied the property's tax status and liability. The Emergency Act expires on April 7, 2003.

(i) Temporary legislation, the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2003, signed by the Mayor on January 27, 2003 (D.C. Act 14-630; 50 DCR 1408), was transmitted to Congress on March 5, 2003, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until May 1, 2003.

(j) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Crispus Attucks Development Corporation Real Property Tax Exemption and Equitable Real Property Tax Relief Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.



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## A RESOLUTION

15-79

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Housing Production Trust Fund Act of 1988 to modify the period of required affordability for housing units assisted through the Housing Production Trust Fund.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Housing Production Trust Fund Continuing Basis Definition Congressional Review Emergency Declaration Resolution of 2003".

Sec. 2. (a) Section 3 of the Housing Production Trust Fund Act of 1988 requires the Department of Housing and Community Development ("DHCD") to adopt regulations pertaining to the Housing Production Trust Fund ("Fund") that ensure housing is made affordable on a continuing basis to targeted populations.

(b) "Continuing basis" is defined as a minimum period of 40 years for rental housing and 10 years for for-sale housing.

(c) Recently, DHCD issued a notice of funding availability ("NOFA"), requesting proposals for uses of the Fund.

(d) The majority of proposals proposed an affordability period of less than 40 years, even though 40-year proposals were preferred in the NOFA.

(e) Obtaining financing for projects with a 40-year period of affordability is more difficult, and the extended affordability period limits returns on the property and restricts reserves available to properly maintain the property.

(f) Without a modification to the time period required under the continuing basis provision, DHCD would not be able to fund projects that most benefit lower-income residents in the District.

(g) In December 2002, the Council enacted the Housing Production Trust Fund Continuing Basis Definition Emergency Act of 2002, effective January 7, 2003 (D.C. Act 14-599; 50 DCR 661) ("Emergency Act"), which modified the time period. The Emergency Act expires on April 7, 2003.

(i) Temporary legislation, the Housing Production Trust Fund Continuing Basis Definition Temporary Amendment Act of 2003, signed by the Mayor on January 27, 2003 (D.C.

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Act 14-631; 50 DCR 1412), was transmitted to Congress on March 5, 2003, for the 30-day review period required by section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and is not projected to become law until May 1, 2003.

(j) It is important that the provisions of the Emergency Act continue in effect, without interruption, until the temporary legislation is in effect.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Housing Production Trust Fund Continuing Basis Definition Congressional Review Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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## A RESOLUTION

15-80

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to relieve the financial burdens placed upon District government employees who serve in the reserve units of the United States Armed Forces and have been or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Declaration Resolution of 2003".

Sec. 2. (a) On September 14, 2001, President George W. Bush issued a proclamation, "Declaration of National Emergency by Reason of Certain Terrorist Attacks," which declared a national emergency due to the September 11, 2001 terrorist attacks on the World Trade Center in New York and the Pentagon. The resulting military operations were named Operation Enduring Freedom.

(b) On September 14, 2001, in furtherance of the aforementioned proclamation, President George W. Bush issued Executive Order 13223, ordering the Ready Reserve of the Armed Forces to active duty, in addition to providing additional authority to the Department of Defense and the Department of Transportation.

(c) The Operation Enduring Freedom Active Duty Pay Differential Emergency Act of 2001, effective January 8, 2002 (D.C. Act 14-225; 49 DCR 664), provided for payment of a pay differential for each employee called to active duty as a result of Operation Enduring Freedom. D.C. Act 14-225 specified that the pay differential would be paid for any period following the formal inception of Operation Enduring Freedom during which the employee was carried in a non-pay status from the time the employee is called to active duty until the employee is released from active duty, or until September 30, 2002, whichever occurred first. D.C. Act 14-225 expired on April 8, 2002.

(d) The Operation Enduring Freedom Active Duty Pay Differential Temporary Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-113; 49 DCR 1416), provided for continuation of payment of a pay differential for each employee called to active duty as a result of Operation Enduring Freedom. D.C. Law 14-113 specified that the pay differential would be paid for any period following the formal inception of Operation Enduring Freedom during which the employee was carried in a non-pay status from the time the employee is called to active duty until the employee is released from active duty, or until September 30, 2002, whichever occurred first. D.C. Law 14-113 expired on November 24, 2002.

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(e) The Operation Enduring Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2002, effective October 23, 2002 (D.C. Act 14-498; 49 DCR 9795), provided for payment of the pay differential for each employee who, as of September 30, 2002, had been called to active duty from reserve units as a result of Operation Enduring Freedom. D.C. Act 14-498 expired on December 30, 2002.

(f) The Operation Enduring Freedom conflict has not ended and, since September 30, 2002, a number of employees have been called to active duty occasioned by that conflict. Presently, those employees are not eligible to receive the pay differential. In addition to the Operation Enduring Freedom conflict, the United States began to prepare for a potential military conflict with Iraq a few months ago. A number of employees were called to active duty in preparation for the potential military conflict with Iraq after September 30, 2002. Presently, those employees are not eligible to receive the pay differential.

(g) On March 19, 2003, Operation Iraqi Freedom began. Additional employees may be called to active duty as a result. Accordingly, it is necessary to authorize a pay differential for employees who will be called to active duty for this purpose as well as the continuation of the payment to employees called to active duty after September 30, 2002.

(h) Deployed District government reservists suffer financial distress and hardship.

(i) The enactment of the proposed emergency bill will continue to provide a pay differential in an amount equal to any difference between the employees' basic District government pay and their basic military pay.

(j) The enactment of the proposed emergency bill will not cause the expenditure of additional funds by the District government in the remainder of Fiscal Year 2003.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-81

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to provide to the Council on a quarterly basis all internal reports relating to environmental conditions in the Central Detention Facility; and to amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to conduct environmental inspections of the Central Detention Facility at least 3 times a year and to issue the inspection report to the Council within 30 days of each inspection.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Central Detention Facility Monitoring Emergency Declaration Resolution of 2003".

Sec. 2. The Council of the District of Columbia finds that:

(1) On March 21, 2003, Judge William B. Bryant of the U.S. District Court for the District of Columbia ("Court") terminated Court oversight of environmental conditions at the D.C. Central Detention Facility ("D.C. Jail"), holding that his action was consistent with the requirements of the Prison Litigation Reform Act of 1996, which severely limits the Court's discretion in the area of prison litigation.

(2) The above action deprives the Court, the public, the Council, and the Council Committee on the Judiciary of monitoring reports that have been issued by the Special Officer of the Court pursuant to class action litigation initiated on behalf of inmates of the D.C. Jail. The Special Officer's monitoring reports have been critical to the Judiciary Committee's ongoing oversight of the Department of Corrections and the conditions, generally, at the D.C. Jail.

(3) The Special Officer has provided an objective overview of conditions at the D.C. Jail encompassing the impact of the overcrowding that has occurred following the anticipated closure of Lorton Prison. The reports have assisted the Judiciary Committee in its review of overcrowding and in its plans to address that issue through legislation. Objective information from a Court monitor is particularly important in cases in which the administration does not accurately acknowledge or comprehensively address long-standing and serious issues at an institution.

(4) The Special Officer's most recent report, on March 9, 2003, included information demonstrating that the Department of Corrections leadership, on behalf of the Williams Administration, provided questionable information to the Court concerning overcrowding at the jail. The Special Officer informed the Court that in January and February intake inmates were held up to 20 hours in holding cells because bed space was not available. In correspondence dated February 27, 2003, Department of Corrections Director Odie Washington

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asserted that the Special Officer was incorrect. In response, the Special Officer cited Department of Corrections compliance officers, medical staff, and other staff, and the medical and intake records of inmates, to convincingly demonstrate a lack of bed space due to overcrowding on these dates: January 9, February 22, February 28, March 1, March 2, March 4, and March 5 of this year. The Special Officer and her assistant personally observed inmates sleeping on benches and on the floor at the jail during the first week of March because no bed space was available. The Special Officer concluded: "The failure to find appropriate housing for intakes within a reasonable period of time is occurring with increasingly regularity. Such a trend portends even greater problems for the future and cannot be resolved merely by suggesting that the problem does not exist."

(5) Similarly, the Special Officer has taken exception to Director Washington's assertion that inmate requests for underclothing and hygiene kits are processed in a timely fashion. "The data he offers are seriously misleading," she noted in her report to the Court, adding that the Director's approach to the data "seriously distorts the truth."

(6) Other recent findings of the Special Officer, cited by the Judiciary Committee in recent hearings, have included a total of 220 inmates housed in cells without basic necessities such as operable toilets and sinks, proper temperature and ventilation, functioning cell doors and working lights, for from 2 to 9 days, according to an October 9, 2002 report. In November 2002 and January 2003, the Special Officer found cell temperatures as high as 90 degrees and as low as 60 degrees, and expressed the concern that "(g)iven the lengthy history of inmates being housed in extremely hot and extremely cold conditions, as well as in cells with poor to no airflow, it is unacceptable that defendants have failed to adequately address this manageable problem."

(7) With the end of the monitoring by the Court's Special Officer and the continuing responsibility of the Council to oversee the performance of the Department of Corrections, it is imperative that the Council pursue alternatives to secure the same level of comprehensive and objective information provided heretofore by the Special Officer. The timing of the Court's action and the critical nature of the information required by the Council demonstrate the need for emergency legislative action.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Central Detention Facility Monitoring Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-82

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to order the closing of a portion of the alley system in Square 377, bounded by 9<sup>th</sup>, E, 10<sup>th</sup>, and F Streets in Northwest Washington, D.C., in Ward 2.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Closing of a Public Alley in Square 377, S.O. 02-3683, Emergency Declaration Resolution of 2003."

Sec. 2. (a) The Council has considered on 1st reading on March 4, 2003, Bill 15-77, the Closing of a Public Alley in Square 377, S.O. 02-3683, Act of 2003, following mark-up by the Committee of the Whole. Final Reading on Bill 15-77 is scheduled for April 1, 2003.

(b) The alley closing legislation will facilitate the redevelopment of the Atlantic Building with office, retail and arts-related uses, and underground parking. This development will have a positive fiscal impact on the District of Columbia through the generation of substantial new property, income, and sales tax revenues. The development will also create approximately 200 to 250 jobs during construction.

(c) The Advisory Neighborhood Commission 2C supports the alley closing.

(d) Approval of emergency legislation will allow the construction of the proposed development to proceed expeditiously and will enable renovation of the historic structures on the site to commence prior to additional damage occurring. Proceeding forward with the redevelopment and obtaining permits for construction on site is dependent upon the Council's approval of the alley closing.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Public Alley in Square 377, S.O. 02-3683, Emergency Act of 2003, be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-83

## IN THE COUNCIL OF DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to extend the time period for the disposition of property located in Ward 5 and approved by the Unsolicited Proposal Submitted by H Street Community Development Corporation for the Acquisition and Development of 2341 4<sup>th</sup> Street, N.E., Resolution of 1999.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Disposal of District Owned Surplus Real Property Emergency Declaration Resolution of 2003".

Sec. 2. (a) There exists an immediate need to enact legislation to extend further the 2-year time period set forth in section 3 of the Disposal of District Owned Surplus Property Amendment Act of 1989 as it applies to the disposition of property approved by the Unsolicited Proposal Submitted by H Street Community Development Corporation for the Acquisition and Development of 2341 4<sup>th</sup> Street, N.E., Resolution of 1999, deemed approved February 10, 2000 (Prop. Res. 14-436) ("Resolution").

(b) This Resolution was introduced in the Council on September 1, 1999, and upon expiration of the Council review period, was deemed approved without Council action on February 10, 2000.

(c) The Resolution approved the Unsolicited Proposal Submitted by the H Street Community Development Corporation ("Developer") for the negotiated purchase of property owned by the District of Columbia ("District") at 2341 H Street, N.E. (Ward 5), and occupied by 2 dilapidated commercial structures. The Unsolicited Proposal provided for demolition of the existing structures and construction and development of the Rhode Island Avenue, N.E., Gateway Project, containing 20,000 square feet of AAA retail space and on-site surface parking.

(d) Immediately upon approval of the Resolution, the Developer entered into negotiations with the D.C. Department of Housing and Community Development ("DHCD") to secure an Exclusive Right Agreement for acquisition and development of the property. The Developer and DHCD executed an Exclusive Right Agreement, effective April 6, 2001, and continuing through April 6, 2003.



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(e) Notwithstanding approval of the Resolution and execution of the Exclusive Right Agreement, the remaining tenant occupying the property was unwilling to vacate the property in a timely manner. Litigation between the District and the tenant ensued, resulting in a negotiated settlement allowing the tenant to occupy the property until August 31, 2001.

(f) The unforeseen delay in the tenant's agreement to vacate the property prevented the Developer from gaining access to the property until 5 months following execution of the Exclusive Right Agreement.

(g) Upon gaining access to the property in September 2001, the Developer proceeded to execute agreements with members of the development team to begin various preliminary pre-development tasks. These tasks including commissioning a Phase I Environmental Assessment to identify and determine the extent to which the property is contaminated by the presence of hazardous substances. The Phase I Environmental Assessment report stated that both buildings are likely to contain asbestos or lead-based paint and that chemical substances used in the photo-processing and metalworking businesses which previously operated on the property may have caused contamination. The report recommended further studies, which can only be undertaken after the structures are cleaned of debris and determined to be safe for further activity. The additional environmental studies and possible remediation measures are more extensive and time-consuming than originally anticipated.

(h) Due to the unanticipated delays set forth in subsections (f) and (g) of this section, the Developer determined that it would be necessary to extend the time period of the Exclusive Right Agreement beyond the scheduled expiration date to assure completion of the development project. The Developer made a formal request for an extension of time to DHCD by letter of August 15, 2002.

(i) DHCD is unable to extend the time period of the Exclusive Right Agreement in the absence of Council action to extend the time period of the underlying statutory authority for DHCD's execution of the property disposition approved by the Resolution.

(j) The expiration of the existing Exclusive Right Agreement on April 6, 2003, necessitates immediate action by the Council to extend the time period during which DHCD may extend the time period of the Exclusive Right Agreement and take other necessary actions to complete the disposition of the property.

(k) Redevelopment of the now vacant and blighted property at 2341 4<sup>th</sup> Street, N.E., is in the best interests of the District, Ward 5, and the surrounding neighborhood. The Rhode Island Avenue, N.E., Gateway Project accomplishes multiple goals, including promoting suitable economic growth, creating jobs, expanding retail services for neighborhood residents, and increasing District tax revenues by transferring a government-owned tax-exempt property into private sector ownership subject to the District's real property taxes.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Disposal of District Owned Surplus Real Property Emergency Amendment Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

15-84

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to approve the acceptance and use of grants not included in the ceiling of the District of Columbia Appropriations Act, 2003.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "April Budget Modifications for FY 2003 Grant Funds Emergency Declaration Resolution of 2003".

Sec. 2. (a) Compliance with federal law established by section 119 of the District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. Law 108-7; 117 Stat. 11), requires Council approval within 15 calendar days after a request for acceptance and use of grants not included in the ceiling of the FY 2003 appropriation for the District of Columbia.

(b) Grant requests have been submitted that are not included in the FY 2003 appropriations ceiling. Those grants must be approved by the Council expeditiously.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the April Budget Modifications for FY 2003 Grant Funds Approval Emergency Act of 2003 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-85

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare the existence of an emergency with respect to the need to have public parks and spaces in the District of Columbia open for public expression of free speech.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Maintaining Open Spaces for Demonstrations in the District of Columbia Emergency Declaration Resolution of 2003".

Sec. 2. (a) In late 2001, the National Park Service, at the request of the Secret Service, closed Lafayette Park, in front of the White House, along with several other public parks, to all demonstrations.

(b) This closure to demonstrations has caused a severe problem in the District of Columbia.

(c) Each time a protest group wishes to demonstrate and is refused access to the public parks, they migrate into the streets to demonstrate. Just recently, a group migrated from Lafayette Park onto H Street, N.W. The street was closed for several hours during the protest.

(d) This migration of protestors has caused several serious problems with traffic flow in the District of Columbia.

(e) The prohibition against demonstrating in a public park is also a violation of the First Amendment right to free speech. This violation of the Constitution is a serious problem that should be remedied as soon as possible.

(f) Future demonstrators should be free to organize and protest in the public parks of their choice and should not be prohibited from undergoing such activities.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council on Maintaining Open Spaces for Demonstrations in the District of Columbia Emergency Resolution of 2003 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

## ENROLLED ORIGINAL

## A RESOLUTION

15-86

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

April 1, 2003

To declare, on an emergency basis, the sense of the Council on the need to have public parks and spaces in the District of Columbia open for public expression of free speech.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council on Maintaining Open Spaces for Demonstrations in the District of Columbia Emergency Resolution of 2003".

Sec. 2. The Council finds that:

(1) There exists an immediate need in the District of Columbia ("District") to increase the availability of public parks for residents of and visitors to the District to exercise their right to free speech through demonstrations.

(2) Since the terrorist attacks on September 11, 2001, the Council has seen numerous occasions on which people who have had a desire to demonstrate in public parks have been unable to do so because the parks had been closed to demonstrations.

(3) In the past, such demonstrations commonly were conducted in Lafayette Park, which is located across Pennsylvania Avenue from the White House. This location had previously given demonstrators the feeling that they were expressing their viewpoints directly to the President of the United States.

(4) Unfortunately, Lafayette Park and many other public parks have been closed to the public for demonstrations.

(5) The closure of Lafayette Park and other public parks causes an unnecessary problem, in that the demonstrators who were hoping to exercise their First Amendment rights in the park are now migrating into H Street and other District streets to exercise these rights. This alternative location to demonstrate has put a severe strain on the residents of the District and on those people trying to commute through an area where the street may have to be closed.

**ENROLLED ORIGINAL**

Sec. 3. It is the sense of the Council that maintaining public parks open for such demonstrations and exercises of free speech would provide a valuable aid to the functions and operations of the District as it would help to maintain a smooth flow of traffic throughout the District.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution to the officers of both houses of Congress and to the Delegate for the District of Columbia.

Sec. 5. This resolution shall take effect immediately.